

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-418-RJC-DSC**

CHARLES R. HALL, JR., et al.,)	
)	
Plaintiffs,)	
)	<u>ORDER</u>
v.)	
)	
INTERNATIONAL UNION, UNITED)	
AUTOMOBILE, AEROSPACE AND)	
AGRICULTURAL IMPLEMENT)	
WORKERS OF AMERICA, UAW;)	
UAW LOCAL UNION 5285; and)	
DAIMLER TRUCKS NORTH)	
AMERICA LLC,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on the defendants' Motions to Dismiss (Doc. Nos. 22 and 24) and the Magistrate Judge's Memorandum and Recommendation recommending granting the motions (Doc. No. 36). Subsequently, the Magistrate Judge granted Plaintiff's Motion to Amend Complaint (Doc. No. 44), and Plaintiff filed a Second Amended Complaint (Doc. No. 45).

It is well-settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See [Young v. City of Mount Ranier, 238 F.3d 567, 573 \(4th Cir. 2001\)](#) (amended pleading renders original pleading of no effect); [Colin v. Marconi Commerce Sys. Employees' Retirement Plan, 335 F. Supp. 2d 590, 614 \(M.D.N.C. 2004\)](#) (defendants' earlier motion for summary judgment as to one count of first amended complaint rendered moot by filing of plaintiff's second amended complaint); [Turner v. Kight, 192 F. Supp. 2d 391, 397 \(D.Md. 2002\)](#) (denying as moot motion to dismiss original

complaint on grounds that amended complaint superseded original complaint). Thus, the filing of Plaintiff's second amended complaint renders the defendants' pending motions to dismiss that are related to the superseded complaint as moot.

IT IS, THEREFORE, ORDERED that Defendants' Motions to Dismiss (Doc. Nos. 22 and 24) are **DENIED as moot**.

Signed: June 21, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

